

E-329, 118/SA-89-1056 DENYING CHANGE IN OFFICIAL ELECTRIC SERVICE AREA MAPS
AND REQUIRING ADDITIONAL FILINGS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Darrel L. Peterson	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Patrice Vick	Commissioner

In the Matter of a Petition by the City of Willmar to Provide Interim Service to an Area Annexed by Ordinance No. 959, Known as the Irene Nelson Farm/Wal-Mart Area, Within the City of Willmar, and to Adjust the Service Territory Maps

ISSUE DATE: February 23, 1990

DOCKET NO. E-329, 118/SA-89-1056

ORDER DENYING CHANGE IN OFFICIAL
ELECTRIC SERVICE AREA MAPS AND
REQUIRING ADDITIONAL FILINGS

PROCEDURAL HISTORY

On November 28, 1989 the City of Willmar filed a petition under Minn. Stat. § 216B.44 (1988), requesting authority to provide interim service to certain areas of the City lying within the assigned service area of Kandiyohi Cooperative Power Association (Kandiyohi or the co-op). The City stated it intended to acquire this portion of Kandiyohi's service territory and would file a petition shortly asking the Commission to determine the compensation due Kandiyohi. The City wished to serve new customers in the area while compensation was being determined.

The co-op filed comments opposing the City's petition, stating interim service by the City would cause unnecessary duplication of Kandiyohi's facilities. The statute requires the Commission to consider such duplication in acting on interim service applications. Minn. Stat. § 216B.44 (1988).

The Department of Public Service intervened and opposed the City's request, also on grounds of unnecessary duplication of facilities.

The matter came before the Commission on February 21, 1990.

FINDINGS AND CONCLUSIONS

In its petition, the City asserts that it acquired the right to serve new customers in the area at issue upon annexation and that the official service area maps should be changed to reflect this fact. The City made the same contention in a recent case entitled In the Matter of the Petition of the Willmar Municipal Utilities Commission to Revise Service Territory Boundaries and Maps to Include Recently Annexed Areas Pursuant to Willmar Municipal Utilities Commission Resolution Numbers 85 and 86, Docket No. E-329, 118/SA-89-982. The Commission rejected the City's position in its February 20 ORDER DENYING CHANGE IN ASSIGNED SERVICE AREAS AND OFFICIAL ELECTRIC SERVICE AREA MAPS. The Commission continues to reject the City's position for the reasons stated in that Order.

The Commission believes more information is necessary to determine the issue of interim service rights and to determine whether there are in dispute any material facts which have a bearing on this issue. The following facts are relevant and should be provided by the parties in affidavit form:

1. A list and description of the facilities each utility currently has in place to serve the area;
2. A list and description of all property developments currently planned or in progress in the area, including a description of each development's electric service needs;
3. A description of the capacity of all facilities listed and described in response to question 1, and an analysis of their ability to serve all developments described in response to question 2;
4. A description of the nature and cost of any new facilities necessary to serve new customers in the area;
5. A detailed description of the impact on the orderly development, improvement, and extension of the City's electric system if the co-op extends service to new customers while compensation is being determined;
6. An itemization of the costs the City expects to incur if the co-op extends service to new customers while compensation is being determined;
7. A description of the degree to which the co-op's and the City's electric systems are compatible, a description of the measures the City will have to take to integrate its facilities with those it will acquire from the co-op, and an itemization of all associated expenses.
8. A detailed description of any safety problems on either utility's system which should be taken into account in awarding interim service rights.

As the moving party, the City shall first make its filing containing the above information. The co-op shall make its filing addressing the above questions and responding to the City's filing within 20 days thereafter. All parties will then have ten days to file final comments.

ORDER

1. The City shall file affidavits containing the information listed above within 15 days of the date of this Order.
2. The co-op shall file affidavits providing the information listed above, together with its initial comments on the City's filing, within 20 days of the City's filing.
3. All parties shall file final comments, identifying any material facts believed to be in dispute, within 10 days of the co-op's filing.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Lee Larson
Acting Executive Secretary

(S E A L)